

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MADELEINE GARZA, an individual,

Plaintiff,

vs.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK;

Defendant.

No. 3:18-cv-05106-BHS

**DECLARATION OF
DR. RICHARD SEROUSSI**

I, RICHARD SEROUSSI M.D. M.Sc., hereby declare under penalty of perjury under the laws of the United States and the State of Washington that the following is true and correct:

1. I am over the age of 18, competent to testify as to the matters stated herein and make this declaration based on my personal knowledge.

2. I am physiatrist specializing in all aspects of physical rehabilitation, with an emphasis on musculoskeletal and neurologic injuries. I am on the clinical faculty at the University of Washington, and am board-certified in PM&R, pain medicine, and electrodiagnosis. I have a Master's degree in mechanical engineering from Princeton University, an MD from Case Western Reserve in Cleveland, and I completed my residency in rehab

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1 medicine from the University of Washington. Some of my more satisfying work activities
 2 include interacting with patients, supervising residents from the University of Washington, and
 3 improving the workflow in my clinic in the name of better patient care.

4
 5 3. I was retained by Plaintiff's counsel to provide an opinion regarding the injuries
 6 suffered by the plaintiff Madeleine Garza resulting from the December 18, 2017 Amtrak Train
 7 501 derailment.

8 4. My qualifications, the basis for my opinions as well as the substance of my
 9 written opinion along with all other materials required under the Federal Rules of Civil
 10 Procedure were served to Defendant as a part of Plaintiff's expert witness
 11 disclosures. Additionally, my report summarizing my rebuttal opinions has to my
 12 understanding been served to the defendants on or about August 16, 2019. I have been deposed
 13 in this matter on August 21, 2019.

14 5. This declaration is offered to be read with my previously submitted written
 15 opinion, and it is further intended to aid the Court in understanding my opinions regarding the
 16 proximate cause of the injuries suffered by the plaintiff on the day of the incident. All my
 17 opinions are offered on a more probable than not basis based upon a reasonable degree of
 18 medical certainty, and they are founded on my professional education and on my academic and
 19 consulting experience in the fields of physical medicine and rehabilitation, also known as
 20 physiatry.

21 6. As further detailed in my report dated August 25, 2018, Ms. Garza sustained
 22 severe injuries, including but not limited to the following:

23 **a. Lumbosacral injuries with the following:**

- 24 **i. Unstable bilateral zone 2 sacral fractures, H type;**
- 25 **ii. Right superior and inferior pubic rami fractures, with anterior**
 26 **displacement of the superior pubic ramus fracture fragment and**
overlapping superior pubic rami fracture fragments by CT scan;

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- iii. **Right L5 transverse process fracture;**
- b. **Moderate to severe left S1 and probable adjacent nerve root lumbosacral radiculopathy;**
- c. **Probable further lumbosacral joint injury, with specific concern for sacroiliac joint injury and/or facet joint injury;**
- d. **Crash-related anxiety superimposed upon mild prior stable anxiety history;**
- e. **Probable mild concussion, improved or resolved by history;**
- f. **Decreased functional status and vocational potential, secondary to musculoskeletal and neurologic injuries.**

7. Ms. Garza's injuries are on a more probable than not basis, directly caused by the December 18, 2017 Amtrak Train 501 derailment.

8. Additionally, as further detailed in my report dated July 15, 2019, I believe that, on a more probable than not basis to a reasonable degree of medical certainty, Ms. Garza is at significant risk for future OB/GYN problems, given the nature of her lumbopelvic fractures. These fractures have included the need for placement of surgical screws across the sacroiliac joint; significant abnormal residual angulation of the sacrum in the sagittal plane; and possible contribution from her right ischiopubic fracture with need for hardware fixation. Ms. Garza's OB/GYN prognosis involves interplay between specialists who evaluate trauma and the field of OB/GYN. Physiatrists evaluate and treat individuals who have traumatic injuries. Many times, these injuries involve more than one field of specialty, such as neurology and orthopedics. Sometimes, like in the case of Ms. Garza, it includes interplay between neurology, orthopedics, and OB/GYN. As a physiatrist, I am qualified to render—and frequently do—opinions that transcend more than one field of specialty. I rely on my training, education, and experience. I also rely upon literature that is peer-reviewed and generally relied upon in the ordinary course of practice. As I discussed in my deposition on August 21, 2019, I would be

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reviewing pertinent literature regarding the risk factors for OB/GYN problems among patients who have had pelvic fractures. I have reviewed the following peer-reviewed literature:

- (1) **Cannada LK, Pan P, Casey BM, McIntire DD, Shafi S, Leveno KJ. Pregnancy outcomes after orthopedic trauma. J Trauma 2010;69:694-8.**
- (2) **Vallier HA, Cureton BA, Schubeck D. Pregnancy outcomes after pelvic ring injury. J Orthop Trauma 2012;26:302-7.**
- (3) **Harvey-Kelly KF, Kanakaris NK, Obakponovwe O, West RM, Giannoudis PV. Quality of life and sexual function after traumatic pelvic fracture. J Orthop Trauma 2014;28:28-35.**
- (4) **McCarthy ML, MacKenzie EJ, Bosse MJ, Copeland CE, Hash CS, Burgess AR. Functional status following orthopedic trauma in young women. J Trauma 1995;39:828-36; discussion 36-7.**
- (5) **Copeland CE, Bosse MJ, McCarthy ML, et al. Effect of trauma and pelvic fracture on female genitourinary, sexual, and reproductive function. J Orthop Trauma 1997;11:73-81.**

These peer-reviewed articles are available at any major healthcare sciences library, including the University of Washington Medical Center. These peer-reviewed articles provide further support for my opinion that Ms. Garza is at significant risk for future OB/GYN problems as a result of her traumatic injuries directly caused by the December 18, 2017 Amtrak Train 501 derailment.

I DECLARE UNDER PENALTY AND PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON AND OF THE UNITED STATES OF AMERICA, 28 U.S.C. 1746, THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED this 7th day of October, 2019, at Seattle, Washington.

DECLARATION OF
DR. RICHARD SEROUSSI

 **PFAU COCHRAN
VERTETIS AMALA**
A Professional Limited Liability Company

By:

/s/ Richard E. Seroussi

Richard E. Seroussi MD, M.Sc.

- **Diplomate, American Board of PM&R with subspecialty certification in Pain Medicine.**
- **Diplomate, American Board of Electrodiagnostic Medicine.**
- **M.Sc. Degree in Mechanical Engineering.**
- **Courtesy Clinical Faculty, University Of Washington Department of Rehabilitation Medicine.**

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CERTIFICATE OF SERVICE

I, **Sarah Awes**, hereby declare under penalty of perjury under the laws of the State of Washington that that I am employed at Pfau Cochran Vertetis Amala, PLLC, and that on the below date I caused to be served the foregoing document on:

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☐ Via U.S. Mail
☐ Via Facsimile
☒ ECF
☐ Via Email

DATED this 7th day of October, 2019.

/s/ Sarah Awes

Sarah Awes

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